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August 27, 2018

**VIA ECF**

Hon. P. Kevin Castel  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Aviv vs. Brainard, et al;  
18 -CV- 5088 (PRC)

Dear Judge Castel

Reference is made to today's request for adjournment of the refiled motion to find Searcy Denney, etc. and one of its partners ("Florida counsel") in contempt. Docket No. 80.

Counsel for Florida Counsel have unfortunately declined my request that they clarify the request and our consent; plaintiff's consent was and remains expressly limited to the September 24 and 25 dates identified by Mr. Kanterman. We hope one of those dates is available to the Court. If not, however, plaintiff must respectfully oppose the request, noting that Mr. Kanterman and his colleague had previously refused to agree to a mutually acceptable briefing schedule.

Respectfully yours,

*S/ Lawrence E. Tofel*  
Lawrence E. Tofel, Esq.